

SUO MOTU WRIT PETITION NO.114/97

1. Government of Goa, through
the Chief Secretary,
Secretariat, Panaji,
 2. The Secretary, P.W.D.,
Govt. of Goa, Panaji, Goa,
 3. Inspector General of Police,
Panaji, Goa,
 4. The Director, R.T.O.,
Panaji, Goa, and
 5. The Secretary,
Ministry of Surface
Transport,
Union of India,
New Delhi.
- ... Respondents.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.R. Bharne, Government Advocate for respondents no.1 to 4.

Mr. J. Vaz, Addl. Central Government Standing Counsel for respondent no.5.

CORAM: A.S. AGUIAR &
P.V. HARDAS, JJ.

DATE: 19th February, 2002.

ORAL JUDGMENT (Per Aguiar, J.)

Heard learned Advocate General. By this Suo Motu Writ Petition cognizance is taken of press reports appearing in the "Herald" dated 17th April, 1997, regarding the state of the Zuari Bridge. Pursuant thereto notices were issued to the Government of Goa and other authorities.

2. The affidavit of the Chief Engineer, P.W.D., was filed on 28th April, 1997, setting out the defects in the construction of the Zuari Bridge. Affidavit dated 14th May, 1997, of the Superintending Engineer, Ministry of Surface Transport, Govt. of India, was filed stating other defects such as vertical hair cracks in the joints of cantilever span no. P5 and recommending further investigation, which was assigned to M/s Mott MacDonald. On 14th May, 1997, the Chief Engineer, P.W.D., filed his affidavit setting out the details of work carried out for repairs/rehabilitation of the Zuari Bridge and a Status Report on the repairs of the Bridge dated 27th May, 1997.

3. On 21st August, 1997, the Chief Engineer, P.W.D. filed affidavit dated stating that the work was awarded to M/s. Freyssinet Prestressed Concrete Co. Ltd. (FPCCP), Mumbai for repairs of 'T' Arms Span P5. On 15th September, 1997, another affidavit of the Chief Engineer, P.W.D., is filed giving a summary of the report received from M/s. Mott MacDonald International Ltd.

4. On 30th September, 1997, the Executive Engineer, W.D. XIV (NH), P.W.D., gave the status of the work as on that date and also stated that his Division was monitoring and supervising the work minutely and the

said work was being supervised by higher authorities and consultants.

5. By affidavit dated 16th October, 1997, the Chief Engineer, P.W.D., stated that constant vigil was being kept and the Bridge was being inspected once in three months, without closing traffic for the period January, April and July. On 6th February, 1998, this Court directed the Government to conduct an enquiry by the Ministry of Surface Transport, National Highway Division, New Delhi. Accordingly, the Ministry of Surface Transport conducted the enquiry and submitted its Report dated 30th September, 1999.

6. By additional affidavit dated 23rd March, 2000, the Superintending Engineer, National Highways, P.W.D., stated that the strengthening of P5 T Arm was completed in June, 1998 and that passenger buses without standing passengers were allowed to ply on the Bridge from 6 a.m. to 9 p.m. from October, 1998, alongwith other light passenger and commercial vehicles, of gross weight not exceeding 7 tonnes. By his said affidavit, the Chief Engineer further pointed out that apart from P5 cantilever, other cantilever spans of the Bridge were also showing minor distress and it was decided, based on the report submitted by M/s Mott MacDonald, to take up strengthening of the remaining four cantilever spans and

other repairs of the superstructure of the Bridge. After inviting tenders, the said work was awarded to M/s Freyssinet Prestressing Concrete Co. Ltd., Mumbai on 18th February, 1999, who were directed to complete the work by August, 2000.

7. By his affidavit dated 31st March, 2000, the Superintending Engineer, National Highways, P.W.D., has stated that the Bridge was being kept open for light motor vehicles, commercial vehicles upto 7 tonnes with four tyres and passenger buses upto 12 tonnes. The P5 cantilever was strengthened and the load test was carried out and strengthening work carried out has been effective. As regards the other spans, no major distress has developed. However, strengthening of the same is proposed to avoid any distress in future. By the said affidavit dated 31st March, 2000, the Superintending Engineer has stated that the Bridge is safe for current traffic condition till strengthening and repairs of the Bridge are completed in March, 2001, and further opined that the Bridge is expected to be serviceable for a period of at least 20 years, subject to regular maintenance, once the present works are carried out.

8. By his affidavit dated 19th April, 2000, the Superintending Engineer, National Highways, P.W.D.,

while giving details of the execution of the work on the Bridge has stated that 50% of the work of external pre-stressing of P6 cantilever has been completed and based upon the experience, a programme (Bar chart) was prepared alongwith the Contractor and given to the authorities.

9. Learned Advocate General has drawn our attention to the affidavit of D.J.S. Borkar, Executive Engineer (NH), P.W.D., Govt. of Goa, who has filed Final Report which gives the present status of the Zuari Bridge, as follows:-

(a) that the cracks noted on P5 span have been rectified and the T Arm of P5 has been duly strengthened and completed in June, 1998;

(b) that the work of strengthening and rehabilitation which was awarded to M/s. Freyssinet Pre-stressed Concrete Co. Ltd. (FPCC), Mumbai, has been completed in all respects in the month of March, 2001; and

(c) that as a result of the rectification of the cracks noted on P5 span and strengthening/rehabilitation of the Zuari Bridge having been carried out the said Bridge is now stable, however,

subject to the following precautions:-

- (i) Only two wheelers Auto Rickshaws, light passenger vehicles, passenger buses without standing passengers are allowed to be plied on the Bridge;
- (ii) The speed limit on the Bridge not to exceed 30 Km./hour;
- (iii) Overtaking on the Bridge is strictly prohibited;
- (iv) Passenger buses are allowed on the Bridge from 6.30 a.m. to 9.00 p.m.
- (v) Six tyres goods vehicles are prohibited.

10. It is pointed out in the said Report that Work Order was issued in the month of January 2002, to Indian Institute of Technology (I.I.T.), Mumbai, to carry out load testing of the Bridge which is in progress and depending upon results achieved of the load bearing capacity of the Bridge the question whether heavy goods vehicles should be allowed to ply on the Bridge or not, would be decided.

11. We accept the Report. We direct the respondents to take the precautions as set out in the Final Report at Sr. no. (i) to (v) above.

12. The respondents will not permit heavy goods vehicles to ply until after the receipt of the load testing report from the I.I.T., Mumbai, permitting

such further load being imposed on the Bridge. However, it is hereby clarified that this will not apply for the purpose of carrying out the test by the I.I.T.

13. With the above observations and directions, this Suo Motu Writ Petition stands disposed of.

A.S. AGUIAR, J.

P.V. HARDAS, J.